

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

HORTON HOMES, INC.,

Plaintiff,

v.

LARUE BANDY, MARIE BANDY,
PATRICK PRITCHETT, WILLIAM
SHANER, ELSIE FONDREN
AVERETTE, WILLIAM CRUTHIRDS,
and SHERRIE CRUTHIRDS,

Defendants.

CIVIL ACTION NO.
2:07-CV-506-MEF

PLAINTIFF HORTON HOMES, INC.'S
REQUEST FOR ENTRY OF PROPOSED
"CONSENT PRELIMINARY INJUNCTION"

COMES NOW Plaintiff Horton Homes, Inc. and hereby requests entry of the proposed "Consent Preliminary Injunction" which is attached hereto as Exhibit "A" and which has been submitted to Judge Fuller's proposed order box at "propord_fuller@almd.uscourts.gov". Frank Hawthorne, Jr., counsel for Defendants, has reviewed and approved the attached "Consent Preliminary Injunction".

Dated this 30th day of October, 2007.

By: s/ James L. Paul

JAMES L. PAUL

Georgia Bar No. 567600

THOMAS C. GRANT

Georgia Bar No. 297455

(Admitted Pro Hac Vice)

Co-counsel for Plaintiff Horton Homes, Inc.

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730302-000067:10/30/2007

EXHIBIT "A"
TO
PLAINTIFF HORTON HOMES, INC.'S REQUEST FOR ENTRY OF
PROPOSED "CONSENT PRELIMINARY INJUNCTION"

**IN THE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HORTON HOMES, INC.,

Plaintiff,

v.

**LARUE BANDY, MARIE BANDY, PATRICK
PRITCHETT, WILLIAM SHANER, ELSIE
FONDREN AVERETTE, WILLIAM
CRUTHIRDS, and SHERRIE CRUTHIRDS,**

Defendants.

Case No.

2:07-CV-506-MEF

CONSENT PRELIMINARY INJUNCTION

This matter is before the court on the request for the entry of a preliminary injunction by plaintiff Horton Homes, Inc. with the consent of defendants Larue Bandy, Marie Bandy, Patrick Pritchett, Elsie Fondren Averette, William Cruthirds, and Sherrie Cruthirds. The defendants stipulate to the entry of the injunctive relief set forth herein without waiving their position that plaintiff is not entitled to any of the relief requested in the complaint.

PREMISES CONSIDERED, the court enters the following Order:

Defendants Larue Bandy, Marie Bandy, Patrick Pritchett, Elsie Fondren Averette, William Cruthirds, and Sherrie Cruthirds, and each of them, are hereby enjoined and restrained, pending further order of the court, from presenting,

prosecuting, pursuing or otherwise taking any action to cause the arbitration of any and all claims of the listed defendants against the plaintiff Horton Homes, Inc. in any forum, venue or proceeding whatsoever, it being the Order of the court that all arbitration proceedings instituted by the defendants named above against Horton Homes, Inc. are hereby STAYED pending further order of the court.

PROVIDED, that the plaintiff post security for the payment of costs and damages sustained by any party found to have been wrongfully enjoined or restrained in the amount of Eight Hundred Thousand and No/100 Dollars (\$800,000.00), the aforesaid sum and the Surety therefor having been agreed-upon by plaintiff and defendants.

DONE AND ORDERED this _____ day of October, 2007.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned has filed using the CM/ECF system a true and correct copy of "Plaintiff Horton Homes, Inc.'s Request for Entry of Proposed 'Consent Preliminary Injunction'" and has served the following via the CM/ECF system:

Randy A. Myers
Frank Hawthorne, Jr.
Hawthorne & Myers LLC
322 Alabama Street
Montgomery, Alabama 36104

Michael S. Harper
Michael S. Harper, P.C.
PO Box 78068
Tallasse, Alabama 36078

Dated this 30th day of October, 2007.

By: s/ James L. Paul
JAMES L. PAUL
Georgia Bar No. 567600
THOMAS C. GRANT
Georgia Bar No. 297455
(Admitted *Pro Hac Vice*)

Co-counsel for Plaintiff Horton Homes, Inc.

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